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	Ivenda Stojković
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NENAD STOJKOVIC.

NITED STATES DISTRICT COURT RTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

Plaintiff, PROVAC SALES, INC., Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

CASE NO.: 5:23-cv-05709

(INJUNCTIVE RELIEF DEMANDED)

Case No.: 5:23-cv-05709

Plaintiff Nenad Stojkovic by and through his undersigned counsel, brings this Complaint against Defendant Provac Sales, Inc. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

- Plaintiff NENAD STOJKOVIC ("Stojkovic") brings this action for violations of 1. exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Stojkovic's original copyrighted Work of authorship.
- 2. Stojkovic is an economist by profession, but he does dedicate his free time to music and photography. He likes creativity because he identifies himself as an artistic soul by nature. As for photography, he likes to photograph people, their jobs and present their properties in an

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interesting and artistic way. He also finds great pleasure in photographing children, interiors, events, food and musical instruments.

- 3. Defendant PROVAC SALES, INC. ("Provac") is a company that buys, sells and services vacuum pumps and helium leak detectors. Provac's products include blowers, boosters, chillers, coolers, cryo pumps and compressors, diffusion pumps, dry pumps, helium leak detectors, ion pump controllers, ion pumps, piston pumps, oil filtration systems, turbo pumps, vane pumps and more. At all times relevant herein, Provac owned and operated the internet website located at the URL www.provac.com (the "Website").
- 4. Stojkovic alleges that Defendant copied Stojkovic's copyrighted Work from the internet in order to advertise, market and promote its business activities. Provac committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of Provac's business.

JURISDICTION AND VENUE

- 5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.
- 6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
 - 7. Defendant is subject to personal jurisdiction in California.
- 8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Provac engaged in infringement in this district, Provac resides in this district, and Provac is subject to personal jurisdiction in this district.

DEFENDANT

9. Provac Sales, Inc. is a California Corporation, with its principal place of business at 3131 Soquel Drive, Soquel, California, 95073, and can be served by serving its Registered Agent, Ms. Katy Turner, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2020, Stojkovic created the photograph entitled "Repair of the brake system of a car closeup," which is shown below and referred to herein as the "Work".

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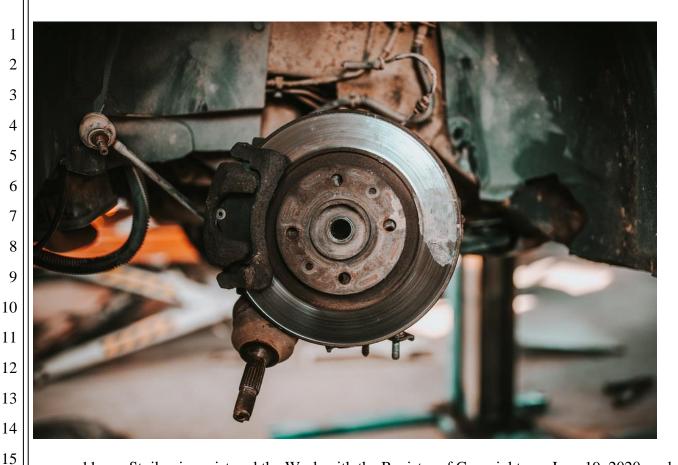
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- 11. Stojkovic registered the Work with the Register of Copyrights on June 19, 2020, and was assigned registration number VA 2-209-565. The Certificate of Registration is attached hereto as Exhibit 1.
- 12. Stojkovic's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.
- 13. At all relevant times Stojkovic was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY PROVAC

- 14. Provac has never been licensed to use the Work at issue in this action for any purpose.
- 15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Provac copied the Work.

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- 16. On or about January 6, 2022, Stojkovic discovered the unauthorized use of it Work on the Website as the focal image of a blog post entitled "Automotive Industry – Product Spotlight: MD-Kinney KC Pumps" posted on February 4, 2020.
 - 17. Provac copied Stojkovic's copyrighted Work without Stojkovic's permission.
- 18. After Provac copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its vacuum pump sales and service business.
- 19. Provac copied and distributed Stojkovic's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.
- 20. Provac then added false copyright management information to the Work, indicating that the Work belonged to Provac and concealing the true owner of the Work.
- 21. Stojkovic's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.
- 22. Provac committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.
- 23. Stojkovic never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.
- 24. Stojkovic notified Provac of the allegations set forth herein on March 24, 2023, and May 18, 2023. To date, the parties have failed to resolve this matter.

COUNT I

COPYRIGHT INFRINGEMENT

- 25. Stojkovic incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.
 - 26. Stojkovic owns a valid copyright in the Work at issue in this case.
- 27. Stojkovic registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

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- 28. Provac copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Stojkovic's authorization in violation of 17 U.S.C. § 501.
 - 29. Provac performed the acts alleged in the course and scope of its business activities.
 - 30. Defendant's acts were willful.
 - 31. Stojkovic has been damaged.
 - 32. The harm caused to Stojkovic has been irreparable.

COUNT II

ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION

- 33. Stojkovic incorporates the allegations of paragraphs 1 through 32 of this Complaint as if fully set forth herein.
- 34. The Work at issue in this case contains false copyright management information ("CMI").
- 35. Provac knowingly and with the intent to enable or facilitate copyright infringement, added CMI to the Work at issue in this action in violation of 17 U.S.C. § 1202(a) in the form of its logo embedded upon the Work, as shown below:



36. Provac distributed copies of the Work to third parties, which included false copyright management information conveyed in connection with the Work.

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	37.	Provac committed these acts knowing or having reasonable grounds to know that they
will	induce,	enable, facilitate or conceal infringement of Stojkovic's rights in the Work at issue in
this a	action p	rotected under the Copyright Act.

- 38. Provac caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that they will induce, enable, facilitate or conceal infringement of Stojkovic's rights in the Work at issue in this action protected under the Copyright Act.
- 39. After applying the false CMI to the Work, Provac published the Work in violation of 17 U.S.C. § 1202(a).
 - 40. Stojkovic has been damaged.
- 41. The harm caused to Stojkovic has been irreparable. WHEREFORE, the Plaintiff NENAD STOJKOVIC prays for judgment against the Defendant PROVAC SALES, INC. that:
 - Provac and its officers, agents, servants, employees, affiliated entities, and all a. of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
 - Provac be required to pay Stojkovic it actual damages and Defendant's profits b. attributable to the infringement, or, at Stojkovic's election, statutory damages, as provided in 17 U.S.C. § 504;
 - Stojkovic be awarded it attorneys' fees and costs of suit under the applicable c. statutes sued upon;
 - Stojkovic be awarded pre- and post-judgment interest; and d.
 - Stojkovic be awarded such other and further relief as the Court deems just and e. proper.

JURY DEMAND

Stojkovic hereby demands a trial by jury of all issues so triable.

DATED: November 6, 2023 Respectfully submitted,

/s/Matthew L. Rollin

 $\overline{SRIPLAW}$ California \bigstar Georgia \bigstar Florida \bigstar Indiana \bigstar Tennessee \bigstar New York

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